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BCS  
APPLICATION NO. 09/379,104 FILING DATE 08/23/99 FIRST NAMED INVENTOR NAKAYAMA ATTORNEY DOCKET NO. Y 500.35669CX1

020457 LM02/1004  
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EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2764

5

DATE MAILED:

10/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

SR

# Office Action Summary

Application No.  
09/379,104

Applicant(s)

Nakayama et al.

Examiner

Nga B. Nguyen

Group Art Unit  
2764



☒ Responsive to communication(s) filed on Aug 23, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 6-14 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 6-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

1. This Office Action is the answer to the communication filed on August 23, 1999 , which paper has been placed of record in the file.
2. Claims 6-14 are pending in this application.

#### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 6-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-14, 1-2, and 5, respectively, of U.S. Patent No. 5,974,394. Although the conflicting claims are not identical, they are not patentably distinct from each other because: The main subject matters claimed in the instant application are fully/ inherently/obviously disclosed in U.S. Patent 5,974,394 and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

a scheduling management system, comprising: a schedule server comprising databases which store schedules of participants and schedule of equipment reserved by ones of participants, a plurality of remote client devices operatively connected to schedule server....

a schedule retrieval method for retrieving a schedule, comprising: a first step of accepting a first conference-holding condition, a second step of dividing a subject of people of schedule into a plurality of groups, a third step of..., a fourth step of..., a fifth step of...

a schedule server apparatus couple to terminal apparatuses, comprising: a communication control means, retrieving means....

The examiner submits that claims 6-14 in the instant application have similar meaning to claims 10-14, 1-2, and 5, respectively, which is within the breadth and scope of definition claimed in the prior patent (U.S. Patent 5,974,394). If allowed, the claims 6-14 of the instant application, not only would provide patent protection but would also extend patent coverage to the combination of claims 10-14, 1-2, and 5, already disclosed and covered by the claims in the previous patent.

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***Conclusion***

5. Claims **6-14** are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

7. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks  
c/o Technology Center 2700  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**or:**

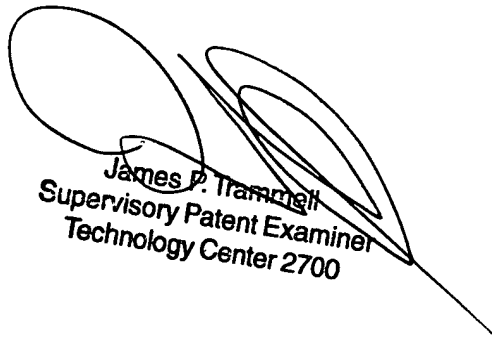
(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen  
September 23, 2000



James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700